

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
DEUTSCHE BANK TRUST COMPANY AMERICAS, in :  
its capacity as successor indenture trustee for certain series :  
of Senior Notes, *et al.*, :

Plaintiffs, :

vs. :

ADALY OPPORTUNITY FUND TD SECURITIES INC. :  
C/O ADALY INVESTMENT MANAGEMENT CO., *et al.*, :

Defendants. :

No. 11 Civ. 4748 (RJH)

----- X  
**CERTIFICATE OF SERVICE**



**LEGAL LANGUAGE SERVICES**

A division of ALS International  
8014 State Line Road  
Suite 110  
Leawood, KS 66208-3712

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[www.legallanguage.com](http://www.legallanguage.com)

January 6, 2012

To whom it may concern:

This is to certify that the attached translation from Dutch into English is an accurate representation of the documents received by this office. These documents are designated as:

**Proof of International Service of Process in the Netherlands upon the Defendant  
STICHTING PENSIOENFONDS ABP**

Maria Victoria Portuguez, Manager of this company, certifies that Ben Van Bergen, who translated this document, is fluent in Dutch and standard North American English and qualified to translate. She attests to the following:

"To the best of my knowledge, the accompanying text is a true, full and accurate translation of the specified document".

Signature of Maria Victoria Portuguez

Subscribed and sworn to before me this January 6, 2012.

Vicki Farron  
Notary Public, State of Kansas  
Qualified in Johnson County  
My commission expires December 9, 2012

Sincerely,

Victor J. Hertz  
President

**CERTIFICATE  
ATTESTATION**

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,  
*L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,*

1) that the document has been served \*

*1. que la demande a été exécutée*

- the (date)

- le (date) November 15, 2011

- at (place, street, number)

- à (localité, rue numéro) Stichting Pensioenfonds ABP, Oude Lindestraat 70, 6411EJ Heerlen, The Netherlands

~~- in one of the following methods authorised by article 5-~~

~~- dans une des formes suivantes prévues à l'article 5:~~

☐ ~~(a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention\*.~~

~~- a) selon les formes légales (article 5, alinéa premier, lettre a):~~

☐ ~~(b) in accordance with the following particular method\*:~~

~~b) selon la forme particulière suivante :~~

☐ ~~(c) by delivery to the addressee, who accepted it voluntarily.\*~~

~~c) par remise simple~~

The documents referred to in the request have been delivered to:

**STICHTING PENSIOENFONDS ABP, in accordance with article 10(b) of the Hague Service Convention f 1965**

*Les documents mentionnés dans la demande ont été remis à:*

~~-(identity and description of person)~~

~~-(identité et qualité de la personne)~~ Mr. J.H.L. Rademakers

~~- relationship to the addressee (family, business, or other):~~

~~- liens de parenté, de subordination ou autres, avec le destinataire de l'acte:~~ Chief Legal Affairs Department

2) that the document has not been served, by reason of the following facts\*:

*2. que la demande n'a pas été exécutée, en raison des faits suivants:*

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement\*.

*Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.*

**Annexes**

*Annexes*

**Documents returned:**

*Pièces renvoyées:*

Agent's Affidavit of Service with

Exhibit 1 : Copy of Documents Served

Done at

*Fait à*

Eindhoven

, the

, le

November 21, 2011

**In appropriate cases, documents establishing the service:**

*Le cas échéant, les documents justificatifs de l'exécution:*

(See above)

Signature and / or stamp.

*Signature et / ou cachet.*

A. Verreck

*[illegible signature]*

Civil Action No. 11 Civ. 4784

**LIST OF DOCUMENTS BEING SERVED**

1. Hague Service Convention "Notice"
2. Hague Service Convention "Summary"
3. Summons in a Civil Action, in English and Dutch
4. Amended Complaint, in English and Dutch

**Van der Hoeden / Mulder**  
[logo] Court Bailiffs & Attorneys

Mr. J.J.L. Boudewijn  
Mr. R.H. van Doorne  
Mr. R.G. Matti  
H. P. Smits

H. J. Baars  
D. Bosman  
R. Erken

F. E. M. Oortwijn-Groot  
Mr. E.de Vries

Stichting Pensioenfonds ABP  
Oude Lindestraat 70  
6411 EJ Heerlen

document number. dw.: L11110049

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**SERVICE OF DOCUMENTS PURSUANT TO ARTICLE 10, SUBPARAGRAPH (B) OF  
THE HAGUE SERVICE CONVENTION**

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On this day, November fifteenth, two thousand eleven;

At the request of:

Karina Shreefer, Esq.  
Legal Language Services  
8014 State Line Road  
Suite 110, Leawood  
Kansas 66208  
U.S.A.

I, Andrea Elisa Joanna Verreck, in my capacity of deputy court bailiff,  
employed at the offices of Marion Theodora Jeanne Jacqueline van  
Ravenstein, legal court bailiff established in Maastricht with offices at  
Boschcour 46 A

**SERVED UPON:**

the foundation 'Stichting Pensioenfonds ABP', hereinafter known as Defendant, established and  
doing business in Heerlen at Oude Lindestraat 70, where in my official capacity I appeared and  
left a copy of this as well as the document listed herein with:

Dhr. Mr. J.H.L. Rademakers, Chief Legal Affairs Department;

**THE FOLLOWING:**

1. A 'Notice' drafted in the French and English languages (recommended by the Fourteenth Session of Hague Conference of October, 1980) with the Defendant as addressee;
2. A summary form, drafted in the French and English, pursuant to article 5, section 4 of The Hague Service Convention ('Summary of the Documents to be Served'), filled out in the English language;
3. A 'Summons in a Civil Action' in the English language, as well as a certified translation of same in the Dutch language ('Summons in a Civil Action' in English and Dutch);
4. An 'Amended Complaint', drafted in the English language, as well as a certified translation of same in the Dutch language ('Amended Complaint' in English and Dutch);

**Van der Hoeden / Mulder**  
[logo] Court Bailiffs & Attorneys

Mr. J.J.L. Boudewijn  
Mr. R.H. van Doorne  
Mr. R.G. Matti  
H. P. Smits

H. J. Baars  
D. Bosman  
R. Erken

F. E. M. Oortwijn-Groot  
Mr. E.de Vries

Furthermore, I, court bailiff, have notified the Defendant of the following

**TO TAKE NOTICE:**

To take good note of the contents of these documents, including the manner in which the parties are required to appear and/or conduct a defense, as well as the consequences in the event the Defendant were not to appear in accordance with the proscribed requirements of this proceeding, as well as;

the costs associated are: € 76.31, to be augmented with € 8.50 for out-of-pocket expenses re GBA-information or, in other words, a total of € 84.81 excluding VAT.

(t.k.-) Court Bailiff

*[illegible signature]*

Civil Action No. 11 Civ. 4784

**CERTIFICATE  
ATTESTATION**

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,  
*L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,*

1) that the document has been served \*

*1. que la demande a été exécutée*

- November 15<sup>th</sup> 2011

- *le (date)*

- Stichting Pensioenfonds ABP, Oude Lindestraat 70, 6411 EJ, Heerlen, The Netherlands

- *à (localité, rue numéro)*

- *in one of the following methods authorised by article 5-*

*- dans une des formes suivantes prévues à l'article 5:*

☐ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention\*.

*- a) selon les formes légales (article 5, alinéa premier, lettre a).*

☐ (b) in accordance with the following particular method\*:

*b) selon la forme particulière suivante :*

☐ (c) by delivery to the addressee, who accepted it voluntarily.\*

*c) par remise simple*

The documents referred to in the request have been delivered to:

STICHTING PENSIOENFONDS ABP, in accordance with article  
10(b) of the Hague Service Convention of 1965

*Les documents mentionnés dans la demande ont été remis à:*

*-(identity and description of person)*

Mr. J.H.L. Rademakers

*-(identité et qualité de la personne)*

*-relationship to the addressee (family, business, or other):*

Chief Legal Affairs Department

*-liens de parenté, de subordination ou autres, avec le destinataire de l'acte:*

2) that the document has not been served, by reason of the following facts\*:

*2. que la demande n'a pas été exécutée, en raison des faits suivants:*

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement\*.

*Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.*

Annexes

*Annexes*

Documents returned:

*Pièces renvoyées:*

Agent's Affidavit of Service with

Exhibit 1 : Copy of Documents Served

In appropriate cases, documents establishing the service:

*Le cas échéant, les documents justificatifs de l'exécution:*

(See above)

Done at Eindhoven, the November 21<sup>st</sup> 2011  
*Fait à* Eindhoven, *le* 21 novembre 2011

Signature and / or stamp.  
*Signature et / ou cachet.*

A. Verreck

JANSSEN & JANSSEN c.s.  
GERECHTSDEURWAARDERS  
BOSCHCOUR 46 A  
6221 JR MAASTRICHT

\*Delete if inappropriate.  
*Rayer les mentions inutiles.*

**LIST OF DOCUMENTS BEING SERVED**

1. Hague Service Convention "Notice"
2. Hague Service Convention "Summary"
3. Summons in a Civil Action, in English and Dutch
4. Amended Complaint, in English and Dutch





Stichting Pensioenfonds ABP  
 Oude Lindestraat 70  
 6411 EJ Heerlen

dossiernr. dw.: L11110049

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**BETEKENING VAN STUKKEN CONFORM HAAGS BETEKENINGSVERDRAG  
 ARTIKEL 10 SUB B**

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Heden, vijftiende november tweeduizend elf;

Op verzoek van:

Karina Shreefer, Esq.  
 Legal Language Services  
 8014 State Line Road  
 Suite 110, Leawood  
 Kansas 66208  
 U.S.A.

**Heb ik, Andrea Eliza Joanna Verreck, als toegevoegd kandidaat-  
 gerechtsdeurwaarder werkzaam ten kantore van Marion Theodora  
 Jeanne Jacqueline van Ravenstein, gerechtsdeurwaarder te  
 Maastricht en aldaar kantoorhoudende aan de Boschcour 46 A**

**A A N:**

de stichting Stichting Pensioenfonds ABP, hierna ook te noemen gerekwireerde, gevestigd en zaakdoende te Heerlen aan het adres Oude Lindestraat 70, aldaar aan dat adres mijn exploit doende en aldus een afschrift dezes en van na te melden stukken latende aan:

dhr. mr. J.H.L. Rademakers, Chief Legal Affairs Department;

**B E T E K E N D:**

1. een in de Franse en Engelse taal gestelde 'notice' (recommended by the Fourteenth Session of Hague Conference of October, 1980) met gerekwireerde als geadresseerde;
2. een in de Franse en Engelse taal opgesteld modelformulier conform artikel 5 lid 4 Haags Betekeningsverdrag ('Summary of the Documents to be Served'), ingevuld in de Engelse taal;
3. een in de Engelse taal gestelde 'Dagvaarding in een Burgelijke Rechtsvordering', alsmede de beëdigde vertaling daarvan in de Nederlandse taal ('Summons in a Civil Action' in English and Dutch);
4. een in de Engelse taal gestelde 'Geamendeerde Aanklacht', alsmede de beëdigde vertaling daarvan in de Nederlandse taal ('Amended Complaint' in English and Dutch);



Voorts heb ik, deurwaarder, aan gerekwireerde voornoemd

**A A N G E Z E G D:**

Goede nota te nemen van de inhoud van deze stukken, waaronder begrepen van de wijze waarop partijen in de procedure dienen te verschijnen dan wel verweer gevoerd kan worden, alsmede van de gevolgen indien gerekwireerde niet volgens de terzake geldende voorschriften in de procedure verschijnt, alsmede;

de kosten dezes zijn: € 76.31, te vermeerderen met € 8.50 terzake van verschotten GBA-informatie, ofwel in totaal € 84.81 exclusief btw.

(t.k.-)gerechtsdeurwaarder